IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 2760-M of 2007

DATE OF DECISION : 15.03.2007

Malkiat Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Baldev Singh, Senior Advocate, with
Mr. Mohd. Yousaf, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Petitioner Malkiat Singh, apprehending his arrest in a non-bailable offence in case FIR No. 18 dated 5.6.2004 under Sections 420/467/468/471/120-B IPC and under Section 13 (i) (D) read with Section 13 (2) of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Patiala, District Fatehgarh Sahib, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

On January 18, 2007, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR.

The aforesaid FIR was registered on the basis of complaint made by Surjit Kaur wife of deceased Sadhu Singh. As per the allegations, a forged Will was introduced by co-accused Surjit Singh. Counsel for the petitioner contends that the said Will was a registered Will and on the basis of the same, mutation was sanctioned and complainant Surjit Kaur contested the mutation upto Financial Commissioner and the mutation was upheld.

Counsel further contends that the civil suit filed by Surjit Kaur is still pending. He submits that the petitioner is the Patwari, who attested the mutation, which was subsequently sanctioned by the competent authority.

Counsel for the petitioner further states that in terms of the interim order dated January 18, 2007, the petitioner has joined the investigation. The State counsel, after having instructions from Akhil Parkash ASI, does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated January 18, 2007, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 15, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**